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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 MALEEK JAMES,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

CASE NO. C12-1917-MJP

ORDER ON MOTION FOR A  
COURT ORDER

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16 Petitioner Maleek James moves for an order recommending the Bureau of Prisons  
17 transfer him to the Federal Detention Center outside Seattle, Washington, until the Court rules on  
18 his habeas petition. (Dkt. No. 66.) Having reviewed the motion and related record, the Court  
19 DENIES the motion for the following reasons:

20 First, Mr. James moves for relief under Criminal Rule 38. That rule authorizes a district  
21 court to stay a sentence, pending an appeal. By its plain language, the Court's authority is  
22 limited to sentences on appeal. In contrast, Mr. James already appealed his case to the Ninth  
23 Circuit and the conviction affirmed. Consequently, as this is a habeas petition, the Court lacks  
24 authority under Criminal Rule 38.

1 Second, the Court lacks authority to determine where Mr. James serves his sentence.  
2 Pursuant to 18 U.S.C. § 4042(a)(1), Congress delegated the duty to manage and regulate all  
3 federal correctional and penal institutions to the BOP. For those federal prisoners committed to  
4 the BOP's custody, it has exclusive jurisdiction to designate their place of imprisonment. 18  
5 U.S.C. § 3621(a),(b). And this Court lacks jurisdiction to review "any determination, decision,  
6 or order" made by the BOP pursuant to 18 U.S.C §§ 3621-24. Specifically, courts lack subject-  
7 matter jurisdiction to review individual transfer decisions, see 18 U.S.C. § 3625, and such  
8 transfers do not implicate any liberty interest protected by the Due Process clause. Meachum v.  
9 Fano, 427 U.S. 215, 225 (1976). Consequently, the Court lacks any jurisdiction to order where  
10 Mr. James is held. Moreover, BOP, and not this Court, is in the best position to evaluate the  
11 security risks posed by Mr. James and make an appropriate placement.

12 The motion is DENIED. The clerk is ordered to provide copies of this order to all  
13 counsel.

14 Dated this 9th day of December, 2013.

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17 Marsha J. Pechman  
18 Chief United States District Judge  
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